

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
June 6, 2006**

Place: Room 206
Town Hall

TIME: 8:00 PM

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:
Damanti, Conze, Forman, Spain, Kenny, Bigelow

STAFF ATTENDING: Ginsberg, Keating
COURT RECORDER: Mary Booth

At 8:00 P.M., Chairman Damanti read the first agenda item:

PUBLIC HEARING

Continuation of Public Hearing regarding Coastal Site Plan Review #220, Flood Damage Prevention Application #238, Thomas & Joanne Woodring 11 Edgehill Drive. Proposing to construct additions and alterations to the existing residence and perform related site development activities within regulated areas. The subject property is on the east side of Edgehill Drive, approximately 50 feet east of its intersection with Searles Road, and is shown on Assessor's Map #67 as Lot #38 in the R-1 Zone. *PUBLIC HEARING OPENED ON MAY 23, 2006.*

Mr. Damanti noted that this was a continuation of the public hearing, and one of the remaining issues was the garage. Architect John Mastera presented revised plans showing the garage relocation. This relocation complies with the zoning setbacks. The driveway will be extended, and they will leave a circular driveway. Mr. Kenny asked whether they will be adding any impervious surface. Mr. Mastera responded that the driveway will stay gravel, and they will continue to work with the neighbor regarding screening and the garage location. They may choose to return to the ZBA, but any location of the garage will not be closer to the coastal resources. Mr. Keating said that if the ZBA approves a change, then at least the revised plans will need to be reviewed by the Planning and Zoning Commission for their approval. There were no further questions from the Commission members or the general public. Mr. Bigelow made a motion to close the public hearing on this matter. That motion was seconded by Mr. Spain and unanimously approved.

At 8:10 P.M., Mr. Damanti read the next agenda item:

GENERAL MEETING

Discussion, deliberation and possible decisions on the following items:

Business Site Plan #156-A, Darien-Rowayton Bank/Dolcetti, Inc., 995-1003 Boston Post Road. Proposing to raze the existing buildings at 995 and 1003 Boston Post Road (on Lots #27 and #28) and to construct a new mixed-use building with related landscaping, open space plaza, and parking, and to perform related site development activities. A shared parking agreement with 975-987 Boston Post Road and 2 Squab Lane (Lots #29, #30, and #34) is proposed to serve all of the subject properties. *DECISION DEADLINE: JUNE 18, 2006.*

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Mr. Damanti explained that the public hearing had been closed. He had noted that the Commission requested information from Town Counsel regarding procedural issues. Attorneys John Wayne Fox and Ed Schmidt of Curtis Brinckerhoff & Barrett were present. Mr. Schmidt said that the question posed to him was whether the Commission can impose conditions on a site plan approval. He said that the Commission may, if the condition is reasonable and within the control of the applicant. However, the Commission cannot waive or disregard the Zoning Regulations. For example, Section 906.2 of the Regulations has an exemption for parking within 500 feet of a building and the parking is within the same ownership. Municipal parking does not satisfy this regulation.

Mr. Schmidt then asked rhetorically whether under Section 655e, Open Space Plaza, can a stair plaza on the adjacent Dolcetti property be counted to allow a third floor at the bank site? Mr. Schmidt said that the Regulations require that the plaza or mall be on the same lot as the building. Mr. Spain said that the plaza must be suitable with respect to the square footage/area, and also with respect to design. Mr. Spain then asked about a joint application involving properties in different ownership. Mr. Schmidt responded that the language of the application involves the Dolcetti site with respect to the shared parking to allow the bank building. Phase 2 was fleshed out during the public hearings, but was not part of the original application, nor part of the legal notices. The February 28 letter from staff notes that Phase 2 was just a concept on one of the plan sheets.

Mr. Spain then asked whether the monumental stairway plaza on the Dolcetti property can count to allow the third floor (finished space in the basement) on the bank building. Mr. Schmidt responded that the plaza was shown on the plans as submitted. To allow the plaza to count for the bank, a deed restriction would need to be added to the Dolcetti property, and the current Zoning Regulations which require that the plaza be "on the same lot" would need to be modified or "tweaked".

Mr. Schmidt said that the Commission may act on the bank application and can comment on Phase 2 without prejudice. He said that Section 655c of the Regulations requires that the driveway to the east of the bank building needs to be 25 feet wide. Mr. Ginsberg had scaled it to be 17 feet wide. Mr. Schmidt said that the Commission has no authority to waive that Regulation regarding driveway width. Mr. Damanti said that those are Counsel's responses to the Commission's questions about technical issues and procedure.

Mr. Spain noted that the Commission cannot yet act on additions to the front Dolcetti building on Boston Post Road (Phase 2), or the rear Dolcetti building on Squab Lane (Phase 3) or the monumental stair plaza. However, the Commission may act on the bank building and the shared parking area and the plaza around the bank if that design is found to be acceptable. Ms. Forman said that she got the impression that the joint parking agreement will not be finalized unless Phase 2 is approved also. Mr. Spain said that the plaza that was originally submitted is not acceptable. If the plaza as intended is not acceptable, then the bank cannot have customer accessible areas within the basement (it is okay to have a vault, which is used for storage, but not customer accessible safety deposit boxes). The driveway could be addressed as a condition of approval. The light fixtures also need to be modified to meet the Zoning Regulations. Mr. Spain suggested that the possible amendments to the Zoning Regulations and a Phase 2 application could be scheduled for the end of July.

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Mr. Conze said that the bank public hearing is already closed, but maybe the applicant can grant an extension and have Phase 2 plans and proposed zoning regulation amendments public hearing, then decide all three at the same time. Mr. Damanti said that there are too many complications and not enough time per the State Statutes to proceed in this manner.

Mr. Kenny said that he came away from the last discussion that overall, this project was acceptable subject to some technicalities, and there needed to take steps to make it work. That there be a storage vault only in the basement unless and until the plaza was eventually approved. Mr. Spain said that there should be either a complete denial of the application with the applicant revising the plans and returning to the Commission, or a modification and approval, especially as regards the basement and driveway. Mr. Spain also mentioned a condition of having no more than three bank building employees park within this shared parking lot.

Mr. Conze said that he is frustrated. He believed that the conceptual presentation was good for the Town. The Commission should go as far as the Regulations allow, and grant/approve as much of the project as possible. Ms. Forman said that she is uncomfortable with the project. She said that the driveway will need to be adjusted. There would be a need to impose a joint parking agreement without approving Phase 2. She suggested scaling the project back for more parking and bringing back a new complete joint project. Mr. Bigelow said that he could not vote in favor of this project, but said that he would be open to "fast tracking" a revised project which included all three phases. He said that there are too many pieces which are now missing. Mr. Damanti said that it is painful to say no to the proposal because this is what the Town needs, but there are too many deficiencies to overcome with the modifications. It would be easier for the applicant to proceed with a joint application. Approval of the subject application would be a mistake.

Mr. Kenny said that in his opinion, the shared parking agreement is adequate for Phase 1. He recommended approving the project with conditions regarding shared parking, modifying the width of the driveway, and limits on the amount of finished customer-accessible space in the basement.

Mr. Damanti asked his fellow members if there was consensus. Three members (Ms. Forman, Mr. Bigelow and Mr. Damanti) were inclined to not approve the project. Three other members (Mr. Conze, Mr. Kenny and Mr. Spain) were inclined to approve the project with conditions.

Ms. Forman made a motion to deny the application without prejudice. That motion was seconded by Mr. Bigelow. Three members (Ms. Forman, Mr. Bigelow and Mr. Damanti) voted in favor of that motion. Three other members (Mr. Conze, Mr. Kenny and Mr. Spain) voted against that motion.

Mr. Damanti summarized, by noting that the Commission will need to request an extension of time to make a decision on this application, and/or they will have to meet and decide the matter next week.

At 9:40 P.M., Mr. Damanti read the next agenda item.

Business Site Plan #245, HSBC, 151-165 Boston Post Road. Proposing to establish a bank with associated parking and landscaping and perform related site development activities. *DECISION DEADLINE: JUNE 12, 2006.*

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Because Mr. Bigelow and Mr. Damanti had potential conflicts, they recused themselves from this matter and left the room. Mr. Conze then chaired the meeting. Mr. Kenny made a motion to waive the reading aloud of all the draft resolutions. That motion was seconded by Mr. Spain, and unanimously approved.

Paragraph G in the draft resolution was discussed. Various alternatives regarding left turns were reviewed. Ms. Forman made a motion to adopt the resolution as amended. That motion was seconded by Mr. Kenny and approved by a vote of 4-0. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
HSBC 151 – 165 Boston Post Road
June 6, 2006**

Application Number: Business Site Plan #245

Assessor's Map #12 Lots #36 & #37
Street Address: 151-165 Boston Post Road

Name and Address of
Property Owner: AGF Associates
PO Box 1143
Darien, CT 06820

Lessee: HSBC
One West 39th St., 4th floor
New York, NY 10018

Name and Address of Applicant: Wilder G. Gleason, Esq.
And Applicant's Representative: Gleason & Associates, LLC
455 Boston Post Road
Darien, CT 06820

Activity Being Applied For: Proposing to establish a bank with associated parking and landscaping and perform related site development activities.

Property Location: The subject property is located on the north side of Boston Post Road, approximately 100 feet east of its intersection with Richmond Drive.

Zone: SB-E Zone

Date of Public Hearing: April 25, 2006 continued to May 2, 2006

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: April 13 & 20, 2006

Newspaper: Darien News-Review

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Date of Action: June 6, 2006

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of
Action: June 15, 2006

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 670, 900, and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The applicant proposes to establish a bank with associated parking and landscaping and perform related site development activities. The two subject lots total .97 acres. A 3,500 square foot bank building is proposed. The proposed building will connect to public water and public sanitary sewer. All utilities such as electric and cable TV will be underground. There is no building on the property at this time, but there is now a parking lot with four curb cuts onto Boston Post Road. The applicant proposes to reduce the number of curb cuts to two.
2. Recently, the Commission has determined that a retail bank emphasizing drive-through banking services with numerous drive-through lanes meets the requirements of Section 672a of the Darien Zoning Regulations. The Commission determined that because the drive-through lanes were an essential and prominent part of this bank's daily operations, this would be considered "external activity", and thus, this bank with its associated drive-through lanes is a Permitted Principal Use in the SB-E Zone (which allows commercial sales and services only if they generally require external storage or activity).
3. The Zoning Board of Appeals granted in part and denied in part requested variances on April 26, 2006 as part of ZBA Calendar #37-2006. That decision is hereby incorporated by reference.
4. The Architectural Review Board (ARB) approved the revised building design on April 18, 2006. That approval is hereby incorporated by reference.
5. As part of this application, the applicant has requested that the Commission allow a minimum front landscaping depth of 17 feet, instead of the 18 feet required by the Darien Zoning Regulations. Section 675e allows the Commission to make such a reduction on lots which have commercial zones of 150 feet or less. On this property, the commercial zone, which is the SB-E zone, is exactly 150 feet.

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6. Under Section 909 of the Darien Zoning Regulations, 35 parking spaces are required for this 3,500 square foot retail building. The Commission acknowledges that due to the specific nature of the use as a bank and the fact that there will be two drive-through lanes, 35 parking spaces may be excessive.
7. The elements of the Site Plan, submitted as part of the application, accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Business Site Plan #245 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction of the building, parking area, and landscaping shall be in accordance with the plans submitted to and reviewed by the Commission, as required to be modified herein:
 - Site Layout Plan, 165 Boston Post Road, by McChord Engineering, Associates, Inc., last revised 4-25-06, Drawing No. SE1.
 - Site Grading and Soil Erosion Control Plan, 165 Boston Post Road, by McChord Engineering, Associates, Inc., last revised 4-25-06, Drawing No. SE2.
 - Site Utility Plan, 165 Boston Post Road, by McChord Engineering, Associates, Inc., last revised 4-25-06, Drawing No. SE3.
 - Site Landscape Plan, 165 Boston Post Road, by McChord Engineering, Associates, Inc., last revised 4-25-06, Drawing No. SE4.
 - Site Lighting Plan, 165 Boston Post Road, by McChord Engineering, Associates, Inc., last revised 4-25-06, Drawing No. SE5.
 - Construction Details, 165 Boston Post Road, by McChord Engineering, Associates, Inc., last revised 4-25-06, Drawing No. DT1.
 - Architectural drawings and plans for HSBC, by IA Interior Architects, submitted April 4, 2006 and revised to eliminate the black glass box style and to use red brick facades instead.
- B. The Darien Zoning Regulations have a maximum size of light poles of 16 feet. As noted in Section 232 of the Regulations, this is measured from the ground to the top of the fixture. Revised plans shall be submitted reflecting this change. The applicant noted at the public hearing that lights will be on 24 hours (during the entire night time) as access to the ATM will be provided 24 hours a day so they will need security lighting. All lighting shall shine downwards and be shielded so as to avoid glare problems and light spillage problems, particularly as viewed from the residential properties to the north and motorists on the Boston Post Road to the south.
- C. The Commission acknowledges that the two proposed drive-through lanes will likely reduce the need for many customers to park and enter the building. Thus, the Commission hereby allows the applicant to put the following note on Plans SE-1 through SE-5 "The construction/installation of the seven parking spaces in the center of the parking lot shall be held in abeyance. In their place, a landscaped island containing at least two large trees, shrubs and bushes, and ground cover, flowers, grass and/or mulch shall be installed. If at any time in the future, the parking demand for this bank warrants it, and/or the use changes from this form of bank to another bank or to any other use, the Commission reserves the right to have the property owner and/or the lessee and/or the applicant construct/install these seven parking spaces."

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- D. Sheet DT1 needs to be revised to remove the words “24 Hour Banking” from the pole sign. This was in the decision of the Architectural Review Board. All directional signs shall be generic, traffic control style sign and shall not contain any commercial type symbols or lettering.
- E. Plans shall also be revised to include a pavement texture change as recommended by the Traffic Consultant, Mr. Galante. This will enhance pedestrian safety.
- F. A mylar shall be filed in the Darien Land Records prior to the issuance of a Zoning or Building Permit consolidating the two existing parcels (Lot #36 and Lot #37) into one parcel. Prior to the filing of that mylar, the Assessor shall be consulted regarding the final lot number and street address of the combined Lot.
- G. As noted within the findings above, the present site has four curb cuts on Boston Post Road. The applicant proposes to reduce the number of curb cuts to two. The eastern curb cut will be one entrance lane and one exit lane. The western curb cut is proposed by the applicant as two lanes for exiting—one left turn only and one right turn only. The Commission acknowledges that making left turns out of the site during certain times is difficult due to the existing traffic flow of the Boston Post Road and the fact that there is a traffic island in the center of the street at the western end of this site and the street is therefore extra wide in this area. The Commission is very aware of the traffic safety issues along this portion of the Boston Post Road and the difficulties, delays and dangers of making left turns onto the Boston Post Road. For those reasons, the Commission requires that there be no left turns allowed from the westerly curb cut and that the curb cut be reduced to just one right turn only lane. This change will minimize delays and safety problems for pedestrians. This “NO LEFT TURN” lane shall be properly marked with appropriate MUTCD signage. The right turn only exit shall be redesigned with an appropriate curb cut and bollard so that it is specifically designed for right turns only. Revised plans shall be submitted reflecting this modification.
- H. The Commission hereby grants a reduction in the minimum front landscaping depth from 18 feet down to 17 feet. This is as specifically allowed in Section 675e of the Darien Zoning Regulations.
- I. Because of the specific nature of the use, the Commission hereby waives the requirement for a loading zone under Section 909 of the Darien Zoning Regulations.
- J. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.

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- K. Prior to the use of the building or the request for the Certificate of Zoning Compliance and/or the Certificate of Occupancy, a final as-built drawing and certification shall be submitted by a professional engineer confirming that the entire project, including the required parking, sidewalk, drainage and landscaping, has been properly completed per the approved plans.
- L. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- M. The granting of this Business Site Plan does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. This includes, but is not limited to, final approval from the Darien Fire Marshal and State of Connecticut DOT.
- N. This permit shall be subject to the provisions of Section 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (June 5, 2007). This may be extended as per Section 1028.

All provisions and details of the plan, as required herein to be amended, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. All completed requirements and materials, including, but not limited to a modified Architectural Plans, Site Plan, Lighting Plan and Landscaping Plan; submittal of a mylar; and filing of the mylar in the Darien Land Records. All required modified plans and the mylar shall be submitted to the Planning and Zoning Department within 120 days of this action or this approval shall become null and void.

Mr. Bigelow and Mr. Damanti returned to the room, and Mr. Damanti chaired the meeting. He read the next agenda item:

Coastal Site Plan Review #215, Flood Damage Prevention Application #234, Douglas & Rebecca Munro, 102 Ring's End Road. Proposing to construct additions and alterations to the existing residence and perform related site development activities within regulated areas.

Commission members agreed that the 50% rule should be mentioned within the resolution. Mr. Bigelow made a motion to adopt the resolution as modified. That motion was seconded by Mr. Kenny and approved by a vote of 5-0, with Mr. Damanti abstaining, since he was not at the public hearing on this matter. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
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Application Number: Coastal Site Plan Review #215
Flood Damage Prevention Application #234

Assessor's Map #51 Lots #1 & #2

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Street Address: 102 Ring's End Road

Name and Address of Property Owners: Douglas & Rebecca Munro
102 Ring's End Road
Darien, CT 06820

Name and Address of Applicant
And Applicant's Representative: Wilder G. Gleason, Esq.
Gleason & Associates, LLC
455 Boston Post Road, Suite 201
Darien, CT 06820

Activity Being Applied For: Proposing to construct additions and alterations to the existing residence and perform related site development activities within regulated areas.

Property Location: The subject property is located on the west side of Ring's End Road, approximately 210 feet north of its intersection with Goodwives River Road.

Zone: R-1

Date of Public Hearing: April 25, 2006 continued to May 2, 2006

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: April 13 & 20, 2006

Newspaper: Darien News-Review

Date of Action: June 6, 2006

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
June 15, 2006

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 810 and 820 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

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1. This application is to construct additions and alterations to the existing, easterly residence and perform related site development activities within regulated areas. The existing residence is within 100 feet of Mean High Water. The property now has two legally non-conforming residences on it. As part of this application, the property owners will abandon the existing septic system and tie into the existing sanitary sewer system on Ring's End Road.
2. The existing subject residence is in Flood Zone AE 13. The original portion of the house was constructed in the 1670s. The applicants propose to put the oil tank in the garage and strap it down. They also propose to add 75 square feet of living space. New dormers are proposed, as well as new garage doors. There will be air conditioning in the house and the HVAC units will be located above the flood elevation. All mechanical units, including the furnace and the washer and dryer, will be raised to elevation 13 or above. The Commission acknowledges that this proposal is making the existing residence more compliant with local flood damage prevention regulations in some respects, although the floor level of the house is still below the expected flood level. As a condition of the Zoning Board of Appeals variance, prior to issuance of the Zoning Permit, the applicant must submit verification that the total cost of the renovation/addition project will not exceed 50% of the market value of the structure as determined by the Tax Assessor.
3. On the submitted Site Plan there are three new trees shown. Those trees will be 7-8 foot high Japanese black pines and shall be installed prior to the request for the Certificate of Zoning Compliance and/or Certificate of Occupancy.
4. ZBA approved this project on April 26, 2006 as part of Calendar #18-2006. That approval is hereby incorporated by reference.
5. The Environmental Protection Commission (EPC) approved this project on March 1, 2006 as part of EPC #8-2006. That approval is hereby incorporated by reference.
6. The applicant's representative noted within the application materials that the proposed activity will have no adverse impacts on flooding on adjacent properties and the additions will withstand the flood depths, pressures, velocities, impact and uplift forces associated with the base flood.
7. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #215 and Flood Damage Prevention Application #234 are hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction shall be in accordance with the plans entitled:
 - Site Plan Munro Residence 102 Rings End Road, by Stearns & Wheeler, dated 1/06.
 - Zoning Location Survey 100 & 102 Rings End Road prepared for Douglas R. Munro Rebecca A. Munro, by William W. Seymour & Associates, scale 1"=20', dated January 11, 2006.

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- B. Accompanying the Zoning and Building Permit applications and prior to commencing construction of the additions, a certification shall be submitted from a licensed architect and/or engineer that verifies that the final design complies with the applicable requirements.
- C. No filling or regrading of the site has been requested or shown on the submitted plans. No filling or regrading is authorized.
- D. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- E. Once the construction work is complete and prior to the issuance of a Certificate of Occupancy, the applicant shall submit verification from the project engineer that all aspects of the building construction have been completed in compliance with the approved plans and the flood damage prevention regulations.
- F. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This includes, but is not limited to, all approvals from Sewer Services to tie into the existing sanitary sewer system, and from the Darien Health Department to abandon the septic system.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- H. This permit shall be subject to the provisions of Section 829 f of the Darien Zoning Regulations, including but not limited to, submission of certification that the work has been completed in conformance with the permit, and implementation of the approved plan within one year of this action (June 5, 2007). This may be extended as per Section 829f.

All provisions and details of the plans shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman.

Mr. Damanti read the next agenda item:

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Land Filling & Regrading Application #160, Salvatore & Jennifer Materia, 93 Mansfield Avenue. Proposing filling, regrading, and installation of retaining walls and performing related site development activities.

Commission members agreed upon a minor change to page 3 of the resolution. Ms. Forman then made a motion to adopt the resolution as modified. That motion was seconded by Mr. Kenny and approved by a vote of 5-0, with Mr. Damanti abstaining, since he was not at the public hearing on this matter. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
June 6, 2006**

Application Number: Land Filling & Regrading Application #160

Street Address: 93 Mansfield Avenue
Assessor's Map #17 Lot #27

Name and Address of Applicant & Salvatore & Jennifer Materia
Property Owner: 93 Mansfield Avenue
Darien, CT 06820

Activity Being Applied For: Proposing filling, regrading, and installation of retaining walls and performing related site development activities.

Property Location: The subject property is located on the west side of Mansfield Avenue, approximately 20 feet northwest of its intersection with Roland Drive.

Zone: R-1/3 Zone

Date of Public Hearing: April 25, 2006 continued to May 9, 2006

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: April 13 & 20, 2006

Newspaper: Darien News-Review

Date of Action: June 6, 2006

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
June 15, 2006

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed activities must comply with all provisions of Sections 400, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.

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- the size, nature, and intensity of the proposed activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject application is for filling, regrading, and installation of retaining walls and performing related site development activities. The proposed residence will be served by public water and public sanitary sewer.
2. The Environmental Protection Commission (EPC) approved this project on April 19, 2006 as part of EPC 16-2006. That approval is hereby incorporated by reference.
3. The Zoning Board of Appeals (ZBA) approved this project on March 22, 2006 as part of Calendar 23-2006. That approval is also incorporated by reference.
4. During the public hearing, the neighbor to the south at 91 Mansfield Avenue requested that better protection for the trees near the shared property line be installed as soon as possible. The public hearing on this matter was continued to allow the applicant to install filling and regrading solely necessary to remediate this area. This work was done to the satisfaction of the Planning and Zoning Director and the neighbor to the south.
5. At the public hearing, both the applicant and neighbor at 91 Mansfield Avenue acknowledge that they have a written agreement regarding fencing and other matters. The Commission takes cognizance of that agreement, but the Planning and Zoning Department and the Planning and Zoning Commission will not enforce said private agreement between these two parties.
6. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
7. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Land Filling and Regrading Application #160 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Filling and regrading shall be in accordance with the following plans submitted to and reviewed by the Commission:

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- Site Plan prepared for Salvatore Materia Jennifer Materia, 93 Mansfield Avenue, scale 1"=20', prepared by LBM Engineering, LLC, dated February 2, 2006, and last revised 03/13/2006.
- Materia Residence Landscape Concept Plan by Daniel Sherman, Landscape Architect, dated Dec-14-05, last revised Mar-20-06, Drawing #L-1.

The Commission only requires those plantings within fifteen feet of the property lines as well as those previously approved by EPC and ZBA. Any additional decorative plantings adjacent to the house and patio that are shown on this plan, to the extent that they may not have been specifically required by EPC and ZBA and are outside of the EPC-regulated area, are not required by the Planning and Zoning Commission.

- B. The applicant shall install the drainage system as shown on the submitted Site Plan. The applicant/property owner shall have the continuing obligation to make sure that storm water runoff and drainage from the site will not have any negative impacts upon the adjacent property(ies); and, in particular, the tree filling along the applicant's southern property line shall be maintained through the completion of construction. If such problems do become evident in the future, the owner of the property shall be responsible of remedying the situation at their expense and as quickly as possible.
- C. A final "as-built" survey is hereby required to certify that the filling, and regrading are all in compliance with the approved plans. A Professional Engineer shall certify in writing prior to the issuance of a Certificate of Zoning Compliance and/or Certificate of Occupancy, that the drainage work has been properly completed in accordance with the approved plans.
- D. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions, including the tree protection filling as mentioned above. Those sediment and erosion controls shall be installed to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans, and as needed by site conditions. All erosion control measures must be maintained until the disturbed areas are stabilized.
- E. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- F. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- G. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (June 5, 2007). This may be extended as per Sections 858 and 1009.

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All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action, or this approval shall become null and void.

Mr. Damanti read the next agenda item:

Special Permit Application #98-A, Coastal Site Plan Review #219, Flood Damage Prevention Application #237, Noroton Bay Property Owners Inc., Nearwater Lane. Proposing to rebuild existing timber deck on the association property and perform related site development activities within regulated areas.

Mr. Spain made a motion to adopt the resolution with one minor change. That motion was seconded by Ms. Forman and approved by a vote of 5-0, with Mr. Damanti abstaining, since he was not at the public hearing on this matter. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
June 6, 2006**

Application Number: Special Permit Application #98-A
Coastal Site Plan Review #219
Flood Damage Prevention Application #237

Assessor's Map #56 Lot #1

Name and Address of Property Owners: Noroton Bay Property Owners Assoc.
And Applicant: Nearwater Lane
Darien, CT 06820

Name and Address Of Applicant's Representative: Christopher Vallas
Coastline Consulting, LLC
5-B Old Post Road
Madison, CT 06443

Activity Being Applied For: Proposing to rebuild existing timber deck on the association property and perform related site development activities within regulated areas.

Property Location: The subject property is on the west side of Nearwater Lane, directly west of its intersection with Baywater Drive.

Zone: R-1 Zone

Date of Public Hearing: May 23, 2006

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Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: May 11 & 18, 2006

Newspaper: Darien News-Review

Date of Action: June 6, 2006

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
June 15, 2006

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 810, 820 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject applications propose to rebuild existing timber deck on the association property and perform related site development activities within regulated areas.
2. At the public hearing on this matter, the applicant's representative presented a letter from a professional engineer certifying that the revised design of the project meets the flood damage prevention regulations. The revisions to the original plans include increasing the diameter of the support piers, a revision of the planking from 5/8" to 5/4", as noted in Item A below, and changing the surface material of the decking to pressure treated lumber.
3. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
4. The proposed activities, to be implemented with the conditions and modifications listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage.
5. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.

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6. The potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.
7. The proposed activities also include filling and regrading a portion of the existing property and managing storm water runoff so that it does not negatively impact the nearby properties.
8. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
9. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Special Permit Application #98-A, Coastal Site Plan Review #219 and Flood Damage Prevention Application #237, are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Deck replacement shall be in accordance with the following plan submitted to and reviewed by the Commission:
 - Figure 1 Proposed Deck Replacement Noroton Bay Assoc, by Coastline Consulting, LLC, dated May 19, 2006. (This plan shows the large piers and the use of 5/4"x 6" pressure treated decking, and that the deck will use pressure treated wood rather than trex).
- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- C. A final "as-built" survey is hereby required to certify that the site improvements adjacent to the coastal recourses and/or within the flood hazard area are all in compliance with the approved plans. In addition, a Professional Engineer shall certify in writing that the work has been properly completed in accordance with the approved plans.
- D. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- E. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agencies.

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- F. This permit shall be subject to the provisions of Sections 815 and 829f of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (June 5, 2007). This may be extended as per Sections 815 and 829f.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action or this approval shall become null and void.

Mr. Damanti read the next agenda item:

Special Permit Application #58-C, Darien Historical Society, 45 Old King's Highway North.
Proposing to reconstruct a barn and attach it to the east end of the existing facility with a small addition and perform related site development activities.

Ms. Forman made a motion to adopt the resolution as modified. That motion was seconded by Mr. Kenny and approved by a vote of 5-0, with Mr. Damanti abstaining, since he was not at the public hearing on this matter. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
June 6, 2006**

Application Number: Special Permit Application #58-C

Street Address: 45 Old King's Highway North
Assessor's Map #35 Lot #43

Name and Address of Property Owners: Darien Historical Society
And Applicant: 45 Old King's Highway North
Darien, CT 06820

Name and Address of Applicant: Neil Hauck, AIA
and Applicant's Representative: Neil Hauck Architects, LLC
859 Boston Post Road
Darien, CT 06820

Activity Being Applied For: Proposing to reconstruct an historic barn and attach it to the east end of the existing facility with a small addition and perform related site development activities.

Property Location: The subject property is on the east side of Old King's Highway North, approximately 100 feet south of its intersection with Brookside Road.

Zone: DB-1 Zone

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Date of Public Hearing: May 23, 2006

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: May 11 & 18, 2006

Newspaper: Darien News-Review

Date of Action: June 6, 2006

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
June 15, 2006

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 610 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject application proposes to reconstruct an historic barn and attach it to the east end of the existing facility with a small addition, and perform related site development activities. The property is served by public water and public sanitary sewer.
2. On April 4, 2006, the Sewer Commission granted permission for the applicant to build over the existing sewer easement on the property. Details for the work must still be finalized with the Sewer Commission.
3. A variance was granted by the Zoning Board of Appeals on May 17, 2006 as part of Calendar 39-2006. That approval is hereby incorporated by reference.
4. The Architectural Review Board approved this project on April 18, 2006. That approval is also incorporated by reference.
5. The April 17, 2006 Project Description submitted by the applicant notes that the basement level will be used for storage and a mechanical room; the first floor for such uses as a new entry vestibule, wheelchair lift and handicapped-accessible restroom, exhibit space, and small kitchenette for staff; the second floor for storage. The overall use of the facility will remain unchanged and it is not anticipated that the number of visitors will increase due to the expansion

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of the building. The additions and alterations will allow the Historic Society to better store and preserve artifacts and to accommodate visitors in a more appropriate and handicapped accessible manner. The Commission hereby finds under Section 904t of the Darien Zoning Regulations that the existing parking is sufficient for this use.

6. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
7. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
8. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Special Permit Application #58-C is hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction shall be in accordance with the following plans submitted to and reviewed by the Commission:
 - Darien Historical Society, Alterations to Darien Historical Society, Drainage Plan, by Stearns & Wheler, LLC, dated 5/10/06, Sheet 1 of 2.
 - Darien Historical Society, Alterations to Darien Historical Society, Detail Plan, by Stearns & Wheler, LLC, dated 5/10/06, Sheet 2 of 2.
 - Additions and Alterations to the D.H.S., by Neil Hauck Architects, last revised 3/22/06, Sheets A-1 through A-4.
 - Alterations to the Darien Historical Society, by Neil Hauck Architects, last revised 3/22/06, Sheet SP-1.
- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- C. A final "as-built" survey is hereby required to certify that the site improvements are all in compliance with the approved plans. In addition, a Professional Engineer shall certify in writing that the required drainage work has been properly completed in accordance with the approved plans.
- D. As stated by the applicant's representative at the public hearing, the existing tree in the rear of the property shall remain.

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- E. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- F. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agencies.
- G. This permit shall be subject to the provisions of Section 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (June 5, 2007). This may be extended as per Section 1009.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action or this approval shall become null and void.

At 9:55 P.M., Mr. Damanti read the next agenda item:

Informal discussion regarding a proposed mixed-use development, 1020 Boston Post Road, CBD Zone.

Informal presentation and discussion with David Genovese of proposed redevelopment of property at 1020 Boston Post Road. *(approximately 20 minutes)*.

Mr. David Genovese gave a Powerpoint presentation, and distributed booklets entitled, "Development of 1014-1020 Boston Post Road" regarding his proposed downtown development. He said that there will be up to six apartments above the non-residential use. He was considering having two of the apartments be affordable. Attorney Robert Maslan said that the proposal meets all current Zoning Regulations, except that the rear building line will cut through the back half of the west building. Outside private dining will need to be counted as a public plaza. He noted that they will need an EPC permit to pipe more of the existing brook. They will also need to show trash locations and utilities on the submitted plans.

After a five minute break, at about 10:35 P.M., Mr. Damanti read the next agenda item:

Informal discussion regarding a proposed Whole Foods store, 150-152 Ledge Road, SB Zone.

Determination regarding whether Whole Foods qualifies as a Permitted Use within the Service Business (SB) Zone as a "Commercial Sales and Service Requiring External Storage or Activity", or whether an amendment to the Zoning Regulations and/or the Zoning Map would be needed. *(approximately 20 minutes)*.

Attorney Wilder Gleason was present with architect David Ball. Mr. Ball explained that there is no prototype store, and they can customize the store. They propose a parklet along Boston Post Road with walkways to invite pedestrians to walk to the site. There will only be one curb cut on Ledge Road, and no curb cuts on Boston Post Road. The store will be approximately 40,000 square feet

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on grade with a 10,000 square foot mezzanine. The building will be 25 feet tall at the rear, and they will have screening of the roof-mounted equipment.

Mr. Gleason explained that they have informally discussed this proposal with the neighbors, and revised the plans so the store will be 25 feet away from the Middlesex Commons property line. The floor of the new building will be 20 feet below the floor of those condominiums. The Whole Foods store will meet all parking requirements, and they will perform a traffic study as part of the application. Mr. Ball said that odor control will be incorporated, and they will have a community meeting room on the upper level of the store.

Mr. Gleason said that the property is now zoned Service Business (SB). This zone allows “commercial sales and services generally requiring external storage or activity”. There will be outdoor display and sales areas for nine months or more a year. Trucks will come and a trailer stored overnight until it is off-loaded. Trucks and refrigeration will be turned off overnight. Other external activity is the outdoor seating to complement the indoor dining area, and the use of shopping carts that are stored and used outside. Mr. Gleason said that the Commission has three options: 1) interpret that Whole Foods is a conforming use in the SB zone that consists of “commercial sales and services generally requiring external storage or activity”; 2) amend the SB Zoning Regulations to allow this type of store by Special Permit on large lots; or 3) rezone the property to CBD, but not DB-1 or DC. Mr. Gleason said that they would be reducing the number of curb cuts, and use “state of the art” odor removal.

Mr. Damanti noted that the Commission will get back to Mr. Gleason sometime in June or July with comments. Mr. Gleason mentioned that he hopes to submit an application in August, for the September public hearing.

Mr. Bruce Baldwin of Middlesex Commons said that he has five categories of concerns, and he will discuss them directly with Mr. Gleason.

At 11:05 P.M., Mr. Damanti read the next agenda item:

Informal discussion regarding Crystal Gardens property at 934 Boston Post Road, CBD Zone.

Attorney Wilder Gleason was present with Jim Sullivan to explain the proposal. Mr. Gleason explained that the property is at the corner of Tokeneke Road and Boston Post Road. He claimed that it is a great place for a restaurant. The first floor space can now be any low volume residential use as approved by the Planning and Zoning Director. Mr. Sullivan explained that his proposed restaurant will have about 150 seats total, with 50 on the second floor for special events. He said that 80% of the business is after 5pm, and 20% of the business is at lunchtime. Mr. Gleason said that they propose to organize the rear of the building, establishing a shared Dumpster and a shared delivery area amongst a variety of commercial uses. The existing D’Iorio print shop and the Board of Realtors would remain. There are now 3,000 square feet in both the first floor and the second floor and 2,800 square feet in the basement. Mr. Damanti noted that the Commission will get back to Mr. Gleason sometime in June or July with comments.

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Subdivision Application #592, McPherson Family Limited Family Partnership, Stephen Mather Road, R-2 Zone.

Request to use common drive rather than grant access easement.

Ms. Forman made a motion to approve the modification. That motion was seconded by Mr. Bigelow and unanimously approved.

Subdivision Application #433-A, Frances B. Dorrance Trust, 20 Juniper Road

Request for Extension of Time to submit Conservation Easement until June 30, 2006.

Mr. Kenny made a motion to grant an extension until August 31, 2006. That motion was seconded by Mr. Bigelow and unanimously approved.

Amendment/Modification of Coastal Site Plan Review #112-B and Land Filling & Regrading Application #76, David & Jane Demarco Ott, 80 Delafield Island Road, R-1 Zone.

Proposal to repair/replace existing steps and stairs and add a hand railing; construct an arbor/ pergola; and add landscaping within a regulated area and add fill near the existing generator.

The Commission reviewed the letter dated 1 June 2006 from David Verespy of Wesley Stout Associates with the associated "Proposed Landscape Plan". They noted the request to repair existing steps in the same location, and possibly add hand railings for safety. It was noted that some proposed work would require EPC approval, and that work which requires substantial filling and regarding will require a formal P&Z review. Mr. Spain made a motion to approve the requested work which did not require EPC approval or a Land Filling and Regrading Application from the Planning and Zoning Commission. That motion was seconded by Ms. Forman, and unanimously approved.

Discussion and deliberation only:

Coastal Site Plan Review #211-A, Flood Damage Prevention Application #228-A, Michael & Brantley King (contract purchasers), 5 Tokeneke Trail. Proposing to construct additions and alterations to the existing residence and perform related site development activities within regulated areas. *DECISION DEADLINE: JULY 27, 2006*

Commission members noted that a similar proposal for a "teardown" was submitted for the Stones within the past two years. This project is not a "teardown", but rather additions and alterations to the existing residence. Commission members instructed staff to draft a resolution for consideration at an upcoming meeting.

Discussion and deliberation only (if public hearing closed):

Coastal Site Plan Review #220, Flood Damage Prevention Application #238, Thomas & Joanne Woodring 11 Edgehill Drive. Proposing to construct additions and alterations to the existing residence and perform related site development activities within regulated areas.

Commission members instructed staff to draft a resolution for consideration at an upcoming meeting.

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Approval of Minutes

May 9, 2006 Executive Session/Public Hearing/General Meeting

Ms. Forman made a motion to approve the minutes as written. That motion was seconded by Mr. Spain and approved by a vote of 5-0, with Mr. Bigelow abstaining, as he was not at the public hearing.

Mr. Conze made a motion to go into other business to discuss one item. That motion was seconded by Mr. Kenny and unanimously approved.

Any Other Business (Requires two-thirds vote of Commission)

Mr. Keating and Mr. Ginsberg explained the proposal for a canopy/tent structure over a portion of the existing paved picnic area at the VFW property at 205 Noroton Avenue. Mr. Conze made a motion to approve that Special Permit amendment. That motion was seconded by Mr. Kenny and unanimously approved.

There being no other business, the meeting was then adjourned at 11:35 P.M.

Respectfully submitted,

Jeremy B. Ginsberg
Planning & Zoning Director

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